



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 4

#### OTHER LEGISLATIVE COMPETENCE

#### **41 Roads: traffic signs etc**

- (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 25(1) (Secretary of State to make pedestrian crossing regulations) for “Secretary of State” substitute “ national authority ”.
- (3) In section 64 (general provisions as to traffic signs)—
  - (a) in subsections (1) and (2) for “Secretary of State” substitute “ national authority ”,
  - (b) in subsection (1) for “Ministers acting jointly” substitute “ national authority ”,
  - (c) omit subsections (2A) to (2C), and
  - (d) omit subsections (7) and (8).
- (4) Section 65 (powers of traffic authorities as to placing of traffic signs) is amended as follows.
- (5) In subsection (1) omit “as may be given by the Ministers acting jointly”.
- (6) In subsections (1), (2), (3A)(ii) and (4) for “Secretary of State” substitute “ national authority ”.
- (7) In subsection (3) after “power” insert “ of the Secretary of State ”.
- (8) After that subsection insert—

“(3ZA) The power of the Scottish Ministers to give general directions under subsection (1) is to be exercisable by Scottish statutory instrument.

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*Changes to legislation: Scotland Act 2016, Section 41 is up to date with all changes known to be in force on or before 12 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (3ZB) Before giving a general direction under subsection (1) the Secretary of State must consult with the Scottish Ministers.
- (3ZC) Before giving a general direction under subsection (1) the Scottish Ministers must consult with the Secretary of State.”
- (9) In subsection (3A)(ii) after “prescribed” insert “ in regulations made by the national authority ”.
- (10) In section 69(3) (Secretary of State's directions for removal of traffic signs) for “Secretary of State” substitute “ national authority ”.
- (11) In section 70(1) (default powers of Secretary of State as to traffic signs)—
- (a) for “Secretary of State” substitute “ national authority ”,
  - (b) omit “himself”,
  - (c) omit “by him” in the first place,
  - (d) for “him”, in the second place, substitute “ the national authority ”, and
  - (e) after “the authority” insert “ that failed to comply with the direction ”.
- (12) In section 71(1) (power to enter land in connection with traffic signs) for “Secretary of State” substitute “ national authority ”.
- (13) In section 77 (modification of provisions relating to directions where Secretary of State is the traffic authority) for “Secretary of State”, in both places, substitute “ national authority ”.
- (14) Section 79 (advances by Secretary of State towards expenses of traffic signs) is amended as follows.
- (15) In subsection (1), for the words from “Secretary of State” to “Parliament,” substitute “ national authority may ”.
- (16) After subsection (1) insert—
- “(1A) An advance by the Secretary of State under this section is to be made out of moneys provided by Parliament.”
- (17) In subsections (3) and (5) for “Secretary of State” substitute “ national authority ”.
- (18) In section 142(1) (general interpretation) at the appropriate place insert—
- ““national authority”—
- (a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
  - (b) otherwise, means the Secretary of State;”.
- (19) The Road Traffic Act 1988 is amended as follows.
- (20) Section 36 (offence of failing to comply with traffic sign) is amended as follows.
- (21) In subsections (1)(b) and (3)(a) for “Secretary of State” substitute “ national authority ”.
- (22) In subsection (5) for the words from “Secretary of State for the Environment” to “jointly” substitute “ national authority ”.

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(23) After subsection (5) insert—

- “(6) Before making regulations under subsection (5) the Secretary of State must consult with the Scottish Ministers.
- (7) Before making regulations under subsection (5) the Scottish Ministers must consult with the Secretary of State.
- (8) In this section “national authority” has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984.”

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**Commencement Information**

**II** [S. 41](#) in force at 23.5.2016, see [s. 72\(7\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)